

**U.S. District Court
Southern District of Iowa (Central)
CIVIL DOCKET FOR CASE #: 4:12-cv-00137-REL
*Internal Use Only***

Cornell et al v. Schulte et al
Assigned to: Senior Judge Ronald E. Longstaff
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 04/02/2012
Date Terminated: 05/21/2012
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Robert Alan Cornell

represented by **Robert Alan Cornell**
080725
FORT DODGE CORRECTIONAL
FACILITY
1550 L STREET
FORT DODGE, IA 50501
PRO SE

Plaintiff

Donnalou M Cornell

V.

Defendant

Carol Schulte

Defendant

Donald Hanson

Defendant

Lula Hanson

Defendant

Paula Geise

Defendant

Sandra Stanhope

Defendant

Sally Kelly

Defendant

Allen Memorial Hospital

Defendant**Bruce McDonald****Defendant****Mary Ann Brown****Defendant****Cynthia Danielson****Defendant****Laura Krehbiel****Defendant****Todd Chelf****Defendant****Julia Patterson****Defendant****Lee County Bank and Trust****Defendant****Daniel Larmore****Defendant****Rachel Upton****Defendant****Barbara Murphy**

Date Filed	#	Page	Docket Text
04/02/2012	<u>1</u>		COMPLAINT against Allen Memorial Hospital, Mary Ann Brown, Todd Chelf, Cynthia Danielson, Paula Geise, Donald Hanson, Lula Hanson, Sally Kelly, Laura Krehbiel, Daniel Larmore, Lee County Bank and Trust, Bruce McDonald, Barbara Murphy, Julia Patterson, Carol Schulte, Sandra Stanhope, and Rachel Uptonfiled by Donnalou M Cornell and Robert A Cornell. (Attachments: # <u>1</u> Cover Letter) (sc) (Entered: 04/02/2012)
04/02/2012	<u>2</u>		MOTION for Leave to Proceed in forma pauperis by Robert A Cornell. (sc) (Entered: 04/02/2012)
04/02/2012			Partial Filing fee: \$25, receipt number 400006111, by Robert A Cornell. (sc) (Entered: 04/02/2012)
05/18/2012	<u>3</u>		INITIAL REVIEW ORDER dismissing case. Signed by Senior Judge Ronald E. Longstaff on 5/18/2012. (fm) (Entered: 05/18/2012)

05/29/2012	<u>4</u>		JUDGMENT in favor of Allen Memorial Hospital, Lee County Bank and Trust, Barbara Murphy, Bruce McDonald, Carol Schulte, Cynthia Danielson, Daniel Larmore, Donald Hanson, Julia Patterson, Laura Krehbiel, Lula Hanson, Mary Ann Brown, Paula Geise, Rachel Upton, Sally Kelly, Sandra Stanhope, Todd Chelf against Donnalou M Cornell, Robert A Cornell. Signed by Clerk Marjorie Krahn on 5/29/2012. (sk,) (Entered: 05/29/2012)
06/11/2012	<u>5</u>		MOTION for Extension of Time to File application for reconsideration or correction of judgment, amended complaint and appointment of counsel by Robert A Cornell. Responses due by 6/28/2012 (sk,) Modified text on 7/6/2012 (ljf,). (Entered: 06/11/2012)
08/28/2012	<u>6</u>		ORDER re <u>5</u> Motion for Extension of Time. Request for appointment of counsel DENIED. Plaintiff must file any additional support for request for reconsideration on or before 9/14/12. See Order for particulars. Signed by Senior Judge Ronald E. Longstaff on 8/28/2012. (mel) (Entered: 08/28/2012)
09/17/2012	<u>7</u>		NOTICE of change of address and submission of Appendix A and B to be attached to 9/11/12 correspondence by Robert A Cornell. (sc) (Entered: 09/17/2012)
09/25/2012	<u>8</u>		MOTION for Extension of Time to File by Robert A Cornell. Responses due by 10/12/2012 (sk,) (Entered: 09/25/2012)
11/15/2012	<u>9</u>		NOTICE by Robert A Cornell (sk,) (Entered: 11/15/2012)
11/20/2012	<u>10</u>		ORDER granting <u>8</u> Motion for Extension of Time to File. Signed by Senior Judge Ronald E. Longstaff on 11/19/2012. (jm) (Entered: 11/20/2012)
12/12/2012	<u>11</u>		ORDER. This case remains closed. See Order for particulars. Signed by Senior Judge Ronald E. Longstaff on 12/12/2012. (fm) (Entered: 12/12/2012)
12/14/2012	<u>12</u>		MOTION for Reconsideration re <u>4</u> Judgment, by Robert Alan Cornell. Responses due by 12/31/2012 (sk,) (Entered: 12/14/2012)
01/04/2013	<u>13</u>	5	ORDER denying <u>12</u> Motion for Reconsideration. Signed by Senior Judge Ronald E. Longstaff on 1/4/2013. (jm) (Entered: 01/04/2013)
01/04/2013	<u>14</u>		MOTION for Reconsideration (to Vacate Order and Reinstate Action) re <u>4</u> Judgment, by Robert Alan Cornell. Responses due by 1/22/2013 (Attachments: # <u>1</u> Envelope) (don,) (Entered: 01/04/2013)
01/10/2013	<u>15</u>	6	ORDER DENYING <u>14</u> Motion for Reconsideration. See Order for particulars. Signed by Senior Judge Ronald E. Longstaff on 1/10/2013. (mel) (Entered: 01/10/2013)
01/22/2013	<u>16</u>	8	NOTICE OF APPEAL as to <u>15</u> Order on Motion for Reconsideration, <u>11</u> Order, <u>6</u> Order on Motion for Extension of Time to File, <u>13</u> Order on Motion for Reconsideration, <u>10</u> Order on Motion for Extension of Time to File, <u>4</u> Judgment, by Robert Alan Cornell. (don,) (Entered: 01/22/2013)
01/22/2013	<u>17</u>		MOTION for Leave to Appeal in forma pauperis by Robert Alan Cornell. (don,) (Entered: 01/22/2013)
01/22/2013	<u>18</u>		MOTION to Appoint Counsel by Robert Alan Cornell. Responses due by 2/8/2013 (don,) (Entered: 01/22/2013)

03/20/2013	<u>19</u>	11	ORDER denying <u>17</u> Motion for Leave to Appeal in forma pauperis; denying <u>18</u> Motion to Appoint Counsel Signed by Senior Judge Ronald E. Longstaff on 3/20/2013. (ptb,) (Entered: 03/20/2013)
03/21/2013	<u>20</u>	13	NOTIFICATION OF APPEAL and NOA Supplement by District Court Clerk to USCA re <u>16</u> Notice of Appeal, filed on 1/22/2013. (vr) (Entered: 03/21/2013)

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

ROBERT A. CORNELL AND DONNALOU
M. CORNELL,

Plaintiffs,

vs.

CAROL SCHULTE, et al,

Defendants.

No. 4:12-cv-00137-REL

ORDER

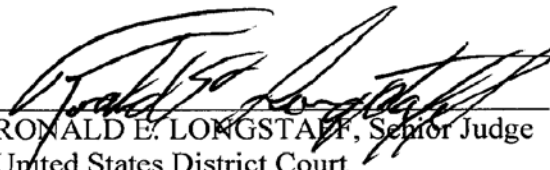
This case was dismissed on May 18, 2012, and judgment was entered on May 29, 2012. Plaintiff Cornell then filed a request for time to file a motion for reconsideration, and several requests for additional time to provide support for the motion.

On November 20, 2012, the Court entered an order stating that any support for a request for reconsideration must be filed on or before December 7, 2012, and that no further extensions of time would be granted. On December 14, 2012, the Court received Plaintiff's Application to Reconsider. ECF No. 12. Although the application appears to have been filed beyond the date set in the Court's prior order, the Court has reviewed the application. Nothing in the application provides a basis for altering the Court's order dismissing this case.

The Application to Reconsider (ECF No. 12) is **denied**. **The case remains closed.**

IT IS SO ORDERED.

Dated this 4th day of January, 2013.


RONALD E. LONGSTAFF, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

ROBERT A. CORNELL AND DONNALOU
M. CORNELL,

Plaintiffs,

vs.

CAROL SCHULTE, et al,

Defendants.

No. 4:12-cv-00137-REL

ORDER

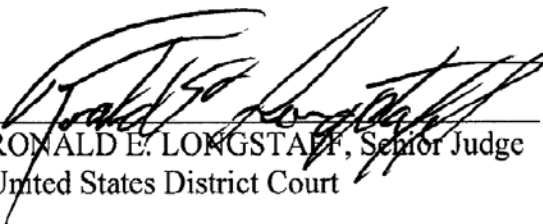
The Court has before it Plaintiff's Motion to Vacate Judgment and Reinstate Judgment. ECF No. 14. Cornell seeks reconsideration of the dismissal of his case on May 18, 2012, and provides support for his assertion that he attempted to file his Motion for Reconsideration by the December 7, 2012, deadline set forth in the Court's prior order.

Cornell filed a Motion for Reconsideration (ECF No. 12) on December 14, 2012, that was denied by this Court on January 4, 2012. In denying the motion, the Court noted that it was unclear whether the motion was filed in compliance with the deadline set by the Court. The Court considered, however, the merits of Cornell's Motion for Reconsideration and denied the motion on the merits.

For the same reason set forth in that order (ECF No. 13), the current motion to vacate judgment (ECF No. 14) is **denied**. **The case remains closed.**

IT IS SO ORDERED.

Dated this 10th day of January, 2013.



RONALD E. LONGSTAFF, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

ROBERT A. CORNELL AND
DONNALOU M. CORNELL, *ex rel.*
Plaintiffs

Case. No. 4:12-cv-00137-REL

vs.

NOTICE OF APPEAL

CAROL SCHULTE,
DONALD HANSON,
LULA HANSON,
PAULA GEISE,
SANDRA STANHOPE,
SALLY KELLY,
ALLEN MEMORIAL HOSPITAL,
BRUCE McDONALD,
MARY ANN BROWN,
CYNTHIA DANIELSON,
LAURA KREHBIEL,
TODD CHELF,
JULIA PATTERSON,
LEE COUNTY BANK AND TRUST,
DANIEL LARMORE,
RACHEL UPTON,
BARBARA MURPHY.
Defendants.

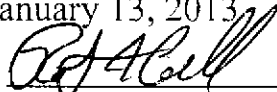
RECEIVED

JAN 22 2013

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

Notice is hereby given that ROBERT A. CORNELL AND DONNALOU M. CORNELL, *ex rel.*, Plaintiffs, in the above named case, hereby appeal to the United States Court of Appeals for the Eighth Circuit from the judgment dismissing this matter entered on the 4th day of January, 2013.

Respectfully submitted January 13, 2013



Robert A. Cornell, IDOC # 0080725
F.D.C.F.
1550 "L" Street
Fort Dodge Iowa , 50501

Original: Filed

Copy: Laura Krehbiel,
P. O. Box 150
712 Orchard Street
Donnellson, Iowa, 52625

Bruce McDonald
601 Main St.
Keokuk, Iowa, 52632

Robert Reding
711 Avenue G
Fort Madison, Iowa, 52627

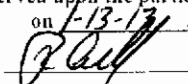
Ryan Gerling
606 Washington,
Burlington, Iowa 52601

Todd Chelf
401 Jefferson
Burlington, Iowa 52601

Mitchell Taylor
205 Washington Street,
Burlington, Iowa, 52601

PROOF OF SERVICE

I hereby certify that the foregoing was
served upon the parties of record
on 1-13-13, 2013.



R. Cornell



Clerk
United States District Court
Southern District of Iowa
P.O. Box 9344
Des Moines, Iowa
50306-9344

Legal Mail

NOTICE: This correspondence
was mailed from an institution
operated by Corrections.
The contents are uncensored.

Robert Cornick #0080725
F.D. C.F.
1550 "L" Street
Ft. Dodge, Iowa
50501

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

ROBERT A. CORNELL AND DONNALOU
M. CORNELL,

Plaintiffs,

vs.

CAROL SCHULTE, DONALD HANSON,
LULA HANSON, PAULA GEISE,
SANDRA STANHOPE, SALLY KELLY,
ALLEN MEMORIAL HOSPITAL, BRUCE
MCDONALD, MARY ANN BROWN,
CYNTHIA DANIELSON, LAURA
KREHBIEL, TODD CHELF, JULIA
PATTERSON, LEE COUNTY BANK AND
TRUST DANIEL LARMORE, RACHEL
UPTON, AND BARBARA MURPHY,

Defendants.

No. 4:12-cv-00137-REL

ORDER

The Court has before it Plaintiff's Motion for Leave to Appeal in Forma Pauperis (ECF No. 17) and Motion to Appoint Counsel (ECF No. 18).

Under Rule 24(a) of the Federal Rules of Appellate Procedure a party who has been granted permission to proceed in forma pauperis in district court may continue to proceed in that status on appeal unless the court certifies that the appeal is not taken in good faith. Under 28 U.S.C. § 1915(a) "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." "Good faith" in these provisions means not only the absence of improper motive, but "presentation of any issue that is not plainly frivolous." Ellis v.


United States, 356 U.S. 674 (1958) (1915(a)); Lucien v. Roegner, 682 F.2d. 625, 626 (7th Cir. 1982) (Fed. R. App. P. 24(a)).

This appeal is certified as frivolous, and therefore taken in bad faith, for the reasons set out in the May 18, 2012, order. Permission to proceed in forma pauperis on appeal (ECF No. 17) is **denied**. The Request for Appointment of Counsel (ECF No. 18) is **denied**.

If plaintiff still wishes to pursue the appeal in forma pauperis, plaintiff must file a motion to proceed in forma pauperis with the Eighth Circuit under Fed. R. App. P. 24(a). Upon filing a Rule 24(a) motion, plaintiff immediately will be responsible for paying the \$455 appellate fee either on the installment plan, or all at once if plaintiff has three dismissals under § 1915(g).

IT IS SO ORDERED.

Dated this __20th__ day of March, 2013.


RONALD E. LONGSTAFF, Senior Judge
United States District Court

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF IOWA
OFFICE OF THE CLERK
P. O. BOX 9344
DES MOINES, IA. 50306-9344
515-284-6248

Civil Case Notice of Appeal Supplement

COUNSEL FOR APPELLANT PLEASE COMPLETE AND SUBMIT WITH NOTICE OF APPEAL

Case Name: _____ vs. _____

District Court Case # ____:____ - cv - _____

Appeal Fee (\$455.00) Status Pd____ IFP____ Pending____ Govt. Appeal____

Counsel Appointed____ CJA____ Retained____ Pro Se____

Appeal filed by Counsel____ Pro Se____

Any reason why counsel should not be appointed_____

Pending post Judgment motions: Yes____ No____

Type of Motion(s)_____

High Public Interest Case Yes____ No____

Simultaneous Opinion Release Requested Yes____ No____

Trial Held Yes____ No____

Jury Trial Held Yes____ No____

Court Reporter Yes____ No____ Length of Trial _____

Reporter's Name _____

Address _____

Phone _____

Transcript Ordered Yes____ No____

Appealing: Order prior to final judgment____ Final Judgment____

Completed Form "A" Enclosed Yes____ No____